CHAPTER 382

COUNTY OFFICERS

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382.01 OFFICERS ELECTED; TERMS.

In every county in this state there shall be elected at the general election in 1918 a county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner.

The terms of office of these officers shall be four years and shall begin on the first Monday in January next succeeding their election. They shall hold office until their successors are elected and qualified. Each of these offices must be filled by election every four years thereafter, unless an office is consolidated with another county office or made appointive under chapter 375A or other general or special law.

History: *(820, 821) 1913 c 458 s 1,2; 1915 c 168 s 1,2; 1959 c 700 s 1; 1976 c 181 s 2; 1978 c 706 s 67; 1Sp2019 c 10 art 2 s 21*

382.02 VACANCIES, HOW FILLED.

Any appointment made to fill a vacancy in any of the offices named in section 382.01 that has not been made appointive under chapter 375A or other general or special law shall be for the balance of such entire term, and be made by the county board.

History: *(822) 1915 c 168 s 3; 1Sp2019 c 10 art 2 s 22*

382.03 TRANSPORTATION FURNISHED.

In any county of this state now or hereafter having a population of 400,000 or over, the county board may provide and maintain, at the expense of the county, transportation facilities for the use of the county surveyor and deputies, the sheriff and deputies, and the members of the county board in and about the performance of the duties of their respective offices; provided, that the total amount which may be expended in any one year for transportation of the members of the county board shall not exceed $3,000; provided, further, that the providing of transportation facilities to members of county boards within the provisions of this section shall include and permit reasonable allowances on a monthly basis to members for the use of their own automobiles in the performance of their official duties notwithstanding the provisions of any law

fixing allowances for use of their own automobiles by public officers in the performance of their duties on a mileage basis.

History: *(822-3) 1927 c 220 s 1; 1939 c 361 s 2; 1986 c 444*

382.04 OFFICES AT COUNTY SEAT.

Every county auditor, treasurer, county recorder, court administrator of district court, sheriff, and court commissioner shall keep office at the county seat. In any county where general terms of the district court are established and held at a place other than the county seat, the court commissioner may keep office at such other place. In any county the judge of the district court may make an order which will permit such court commissioner's office to be at some other place than the county seat of such county.

History: *(975) RL s 602; 1909 c 447 s 1; 1976 c 181 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1995 c 189 s 8; 1996 c 277 s 1*

382.05 MS 1967 [Repealed, 1969 c 297 s 1]

382.06 MS 1967 [Repealed, 1969 c 297 s 1]

382.07 MS 1967 [Repealed, 1969 c 297 s 1]

382.08 RECORDING FEES PAID BY COUNTY.

The fees for recording official bonds, oaths of office, certificates, or other evidences of election or qualification for office, required by law to be recorded with the county recorder or court administrator of the district court, shall be paid by the county.

History: *(979) RL s 606; 1976 c 181 s 2; 1Sp1986 c 3 art 1 s 82; 2005 c 4 s 68*

382.09 MS 1971 [Repealed, 1973 c 524 s 16]

382.10 BONDS RECORDED.

Official bonds of county officers when approved by the county board, and their oaths of office and the bonds and oaths of their deputies, except county recorder, shall be recorded in the office of the county recorder.

History: *(981) RL s 608; 1909 c 115 s 1; 1973 c 524 s 2; 1976 c 181 s 2; 2005 c 4 s 69*

382.11 MS 1971 [Repealed, 1973 c 524 s 16]

382.12 BONDS NOT WITHDRAWN.

No bond filed with the secretary of state shall be removed except upon the written order of a judge of a court of record before whom an action is pending to enforce the conditions thereof.

History: *(983) RL s 610; 1973 c 524 s 3*

382.13 NEW BOND; NOTICE.

When the county board of any county shall deem the official bond of any county officer insufficient, or when any surety upon any such bond shall file with the board a written request that such officer be required to give a new bond, stating therein reasons, such board shall give such officer written notice to furnish a new official bond, to be approved by them, before the first day of their next regular, special, or adjourned

meeting to be held more than 20 days from the date of such notice, under penalty of forfeiting the office. Such notice shall be personally served and returned in the same manner as a summons in a civil action.

History: *(984) RL s 611; 1986 c 444*

382.14 FAILURE TO GIVE; OFFICE VACANT.

If any county officer served with notice to furnish a new bond, as provided in section 382.13, fails or neglects to do so, the office shall be deemed vacant. If it shall be made to appear to the board that such officer has been unable to furnish such bond by reason of physical disability, it may give the officer such further reasonable time to furnish the same as it deems proper, not later than the next meeting of the board. If such bond is not furnished within the further time so granted, such office shall be deemed vacant as before provided.

History: *(985) RL s 612; 1986 c 444*

382.15 ORIGINAL, HOW AFFECTED BY NEW BOND.

The rights and liabilities of the parties to the original bond of any such officer, existing or incurred at or prior to the time of the approval and filing of such new bond, shall not be in any wise affected or impaired by the giving of such new bond; but such original bond and the sureties thereon shall not be liable for the acts of such officer done or performed after the new bond is approved, recorded, and filed as required by law.

History: *(986) RL s 613*

382.153 COUNTIES OF 250,000; BONDING OF OFFICERS AND EMPLOYEES.

Subdivision 1. **County may pay premium.** In counties now or hereafter having a population of more than 250,000, when a corporate surety bond has been furnished by any county officer or employee pursuant to statute or resolution of the county board, the premium therefor shall be paid by the county, provided that the county board may designate the surety.

Subd. 1a. **Bids required.** The county board shall cause to be published in its official publication, a notice for bids for the furnishing of all such bonds and shall award a contract to the lowest responsible bidder.

Subd. 2. **Schedule or position bonds.** In any county, in lieu of the individual bonds required to be furnished by county officers or by county employees, a schedule or position bond or undertaking may be given by county officers or by the employees of each county office or department, or a single corporate surety fidelity, schedule or position bond or undertaking covering all the officers and employees of any such county including officers and employees required by law to furnish an individual bond or undertaking may be furnished, in the respective amounts fixed by law, or by the person or board authorized by law to fix the same, conditioned substantially as provided in section 574.13.

Subd. 3. **Except Ramsey County.** This section does not apply to Ramsey County.

History: *1943 c 537 s 1; 1945 c 57 s 1; 1947 c 69 s 1; 1963 c 563 s 1; 1974 c 435 art 7 s 1; 1975 c 281 s 1; 1988 c 613 s 28*

382.154 PREMIUM FOR BONDS, OFFICERS AND EMPLOYEES, PAYMENT.

The premium upon any bond now or hereafter required of any elected or appointed county officer or employee, and their respective deputies or assistants, together with the expense of recording or filing such

bonds, shall be paid by the county in which such officers or employees are elected or appointed; provided that this section shall not apply in counties having more than 250,000 inhabitants.

History: *1945 c 32 s 1*

382.16 RECORDS ARE PUBLIC; COPIES.

The several judges having probate jurisdiction, county auditors, county recorders, and court administrators of the district court, during the hours when their respective offices are open, or are required by law to be kept open, shall exhibit any papers, files, or records of their office or in their official custody, for the inspection of any person demanding the same, free of charge, except in cases where fees are provided by law, and then upon tender of such fees.

The several county auditors, judges having probate jurisdiction, and clerks of the district court, during the hours when their respective offices are required by law to be open, shall furnish to any person demanding the same a certified copy of any record, file, or paper in their office or in their official custody upon tender of such fees therefor as are by law allowed to county recorders for like services.

History: *(987, 988) RL s 614,615; 1976 c 181 s 2; 1Sp1986 c 3 art 1 s 82; 1995 c 189 s 8; 1996 c 277 s 1*

382.17 MS 1986 [Repealed, 1987 c 49 s 20]

382.18 OFFICIALS NOT TO BE INTERESTED IN CONTRACTS.

No county official, or deputy or clerk or employee of such official; and no commissioner for tax-forfeited lands or commissioner's assistants, shall be directly or indirectly interested in any contract, work, labor, or business to which the county is a party or in which it is or may be interested or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price, or expense is payable from the county treasury. Nothing in this section shall prevent a person from receiving reimbursement from a county for providing licensed or tribally approved family foster care. This section does not prevent a coroner, deputy coroner, coroner's investigator, or medical examiner from receiving compensation for professional services from a professional corporation or medical provider under contract to provide coroner services to a county. Any violation of the provisions of this section shall be a gross misdemeanor.

History: *(990) RL s 617; 1947 c 360 s 1; 1986 c 444; 1997 c 107 s 18; 2000 c 360 s 1*

382.187 MS 1949 [Expired]

382.19 MS 1982 [Repealed, 1984 c 593 s 46]

382.20 SALARIES NOT AFFECTED BY NET TAX CAPACITY REDUCTION.

When the salary or clerk hire of any county officer shall be decreased during the term for which elected because of a reduction in the net tax capacity of the county the board of county commissioners are hereby authorized to fix such salary and clerk hire in an amount equal to that received prior to the reduction in the net tax capacity of the county.

History: *(997-2) 1929 c 313; 1986 c 444; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20*

382.21 MS 1969 [Repealed, 1971 c 25 s 69]

382.23 MS 1969 [Repealed, 1971 c 25 s 69]

382.24 MS 1969 [Repealed, 1971 c 25 s 69]

382.25 MS 1969 [Repealed, 1971 c 25 s 69]

382.26 MS 1969 [Repealed, 1971 c 25 s 69]

382.265 CLERK HIRE IN CERTAIN COUNTIES.

In all counties of this state where the amount of clerk hire now or hereafter provided by law for any county office shall be insufficient to meet the requirements of said office, the county officer in need of additional clerk hire shall prepare a petition and statement setting forth therein the amount of additional clerk hire needed and file the same with the county auditor, who shall present the same to the board of county commissioners at the next meeting of said board. If the board of county commissioners shall grant said petition by majority vote of all members elected to the board, then the amount of additional clerk hire requested in said petition shall thereupon become effective for said office. Said board shall act on any such petition within 60 days from the time it has been filed with the county auditor. If the board of county commissioners shall determine that the amount of additional clerk hire requested in said petition is excessive and more than is necessary for said office, it shall fix the amount of such additional clerk hire to be allowed, if any, and notify such officer thereof.

History: *1939 c 319 s 1; 1945 c 330 s 1; 1986 c 444; 1995 c 189 s 8; 1996 c 277 s 1; 2009 c 152 s 10*

382.27 REIMBURSEMENT OF PEACE OFFICERS.

When any sheriff, deputy sheriff, or other peace officer of this state shall hereafter receive physical injury while in the discharge of an official duty as such peace officer the county board of the county wherein such officer resides may audit and allow bills for physicians' services, nurse, and hospital expenses rendered necessary because of such injury and may appropriate money out of the revenue fund of the county for payment thereof.

History: *(761) 1911 c 268 s 1; 1986 c 444; 2005 c 10 art 2 s 4*

382.28 MS 1981 Supp [Repealed, 1982 c 595 s 12]

382.29 MS 1957 [Repealed, 1961 c 714 s 2]

382.31 ACCEPTANCE AND DEALING WITH NEGOTIABLE PAPER; DEFINITION.

As used in this section negotiable paper means any check, draft, or express or post office money orders.

History: *1967 c 616 s 1*

382.32 ACCEPTANCE OF CHECKS.

Subdivision 1. **Board may authorize.** Except as provided in subdivision 2, the county board of any county may by resolution give any county officer discretion to accept negotiable paper in payment of any moneys required by law to be paid to the officer on behalf of the county, the state of Minnesota or any political subdivision.

Subd. 2. **Treasurer may accept.** The county treasurer of any county may accept negotiable paper in payment of any tax, assessment, license, penalty or interest or costs or claim due the county, the state of Minnesota, or any political subdivision the payment of which is made to the county treasurer.

History: *1967 c 616 s 2; 1986 c 444*

382.33 RECEIPT FOR PAYMENT.

When negotiable paper is accepted in accordance with section 382.32 and a receipt demanded the treasurer or other county officer shall issue a conditional receipt with the words "Paid By Check - Not A Valid Receipt Until Check Is Paid" stamped boldly on its face.

History: *1967 c 616 s 3*

382.34 PRESENTATION FOR PAYMENT; NONPAYMENT EFFECT; PURCHASER.

Subdivision 1. **Lien if check bad.** After accepting negotiable paper the treasurer shall present it promptly for payment. If any negotiable paper is not paid on due presentation for any reason, any record of payment made on any official record because of the acceptance of the negotiable paper shall be canceled and the tax, assessment, license, penalty or interest remains a lien as though no payment had been accepted, and such lien shall be enforceable against a bona fide purchaser or encumbrancer who erroneously relied upon any conditional record of payment.

Subd. 2. **Conditional receipt.** If negotiable paper is accepted by the treasurer and within ten days of such acceptance the county treasurer is requested to issue a current tax certificate, the treasurer shall issue such certificate with the words "taxes paid - conditional receipt issued" stamped thereon.

Subd. 3. **Notice of power to cancel.** The treasurer's powers to cancel tax receipts shall appear on every person's tax statement as provided for in section 276.04 stamped boldly on its face with the words "All Tax Receipts Subject to Cancellation By County Treasurer For Dishonor Of Negotiable Paper Offered In Payment."

History: *1967 c 616 s 4; 1986 c 444*

382.35 LIABILITY OF OFFICER; RETURN WITHOUT PAYMENT.

Subdivision 1. **Nonliability.** A county officer accepting negotiable instruments shall not be personally liable for the nonpayment of any negotiable paper accepted pursuant to section 382.32.

Subd. 2. **Memoranda to cancel.** Any county officer accepting negotiable paper shall make any memoranda necessary to enable the officer to make proper cancellation of any record on the return of the negotiable paper without payment.

History: *1967 c 616 s 5; 1986 c 444*

382.36 PRESENTMENT FOR PAYMENT.

When negotiable paper is accepted by any county officer the county treasurer shall promptly present it for payment. If the negotiable paper is not paid on due presentation for any reason, the treasurer shall return it to the county officer who accepted it. If a statutory procedure is prescribed for the collection of the amount represented by the negotiable paper, such paper shall be returned to the person submitting it and the amount collected pursuant to such procedure. If no special statutory procedure is prescribed for the collection of the amount represented by the negotiable paper, the county attorney shall use all legal means available to compel payment of the amount represented by the negotiable paper.

History: *1967 c 616 s 6; 1986 c 444*

382.37 TRAINING EXPENSES.

The county board may reimburse a newly elected county officer for expenses incurred prior to assuming office for attendance at a training or educational program which will familiarize the officer with official duties.

History: *1985 c 109 s 12*